

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Daniel E. Feldstein  
Debtor,

American Heritage Federal Credit Union  
Movant.

v.

Daniel E. Feldstein  
Debtor/Respondent,

Linda A. Feldstein  
(Non-filing Co-Debtor),

William C. Miller, Trustee  
Additional Respondent.

BANKRUPTCY CASE NUMBER  
20-14772-elf

CHAPTER 13

11 U.S.C. § 362

June 22, 2021 at 9:30 am

Courtroom # 1

**MOTION OF AMERICAN HERITAGE FEDERAL CREDIT UNION FOR RELIEF  
FROM THE AUTOMATIC STAY UNDER SECTION §362 (d) AND §1301**

Secured Creditor, American Heritage Federal Credit Union ("Movant"), by and through its undersigned counsel, pursuant to 11 U.S.C. §362 and §1301, hereby seeks relief from the automatic stay to exercise and enforce its rights, without limitation, with respect to certain real property. In support of this motion, Movant avers as follows:

1. Debtor named above filed a Voluntary Petition under Chapter 13 of the United States Bankruptcy Code in the Eastern District of Pennsylvania under the above case number.
2. Movant is the holder of a secured claim against Debtor and Linda A. Feldstein ("Non-filing Co-Debtor"), secured only by a first mortgage lien on real estate which is the principle residence of Debtor located at 302 Pennwood Drive, Richlandtown, PA 18955 (the "Mortgaged Premises").
3. American Heritage Federal Credit Union services the loan on the property referenced in this motion for relief. In the event the automatic stay in this case is modified, this case dismisses and/or the debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of American Heritage Federal Credit Union.
4. American Heritage Federal Credit Union, directly or through an agent, has possession of the promissory note. The promissory note is either made payable to Noteholder or has been duly indorsed in blank. Noteholder is the original mortgagee, or beneficiary, or the assignee of the security instrument for the referenced loan.

5. The filing of the aforesaid Petition operated as an automatic stay under Section 362(a) of the Bankruptcy Code of proceedings by Movant to foreclose on the Mortgaged Premises. Movant requests relief from the automatic stay to continue with the filed mortgage foreclosure action, if any, and to take the necessary action to obtain the Mortgaged Premises.

6. Additional Respondent is the Standing Trustee appointed in this Chapter 13 proceeding.

7. Debtor has claimed an exemption in the amount of \$15,465.00 in the subject property.

8. Debtor has failed to make all post-petition monthly mortgage payments.

9. The defaults include the failure to make the following monthly payments:

- a) Payments of \$1,347.24 from January 1, 2021 through May 1, 2021 which totals \$6,736.20;
- b) Attorney fees of \$1,050.00 incurred in the representation of Movant in this proceeding and filing costs of \$188.00;
- c) The total amount due (a through b combined) is \$7,974.20

10. The Fair Market Value of the Mortgaged Premises is \$195,930.00, as per Debtor's Schedules. The approximate amount necessary to payoff the loan is \$182,142.88 good through May 4, 2021. The breakdown of the payoff is as follows:

Principal Balance	\$148,113.42
Accrued Interest	\$14,714.83
Escrow Advance	\$8,947.16
Accrued Late Charges	\$928.32
NSF Check Charges	25.00
Corporate Advance	\$9,414.15

11. Movant's interests are being immediately and irreparably harmed. Movant is entitled to relief, from the automatic stay, pursuant to either 11 U.S.C. § 362 (d)(1) or (d)(2), because of the foregoing default and because:

- a) Movant lacks adequate protection for its interests in the Mortgaged Premises;
- b) Debtor does not have any equity in the Mortgaged Premises; and
- c) The Mortgaged Premises are not necessary to an effective reorganization or plan.

12. Movant additionally seeks relief from the Co-Debtor stay under §1301 (if applicable) in the instant case, as the continuation of the co-debtor stay causes irreparable harm to the Movant. Movant may be barred from moving forward with its state court rights under the terms of the mortgage without relief from the co-debtor stay.

13. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase order, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

WHEREFORE, Movant respectfully moves this Court for an Order (i) granting Movant relief from the automatic stay to foreclose upon and to otherwise exercise and enforce its rights with respect to the Mortgaged Premises, (ii) awarding reasonable attorneys' fees incurred in the preparation and presentation of this motion, and (iii) granting all such other and further relief as the Court deems appropriate and necessary.

Respectfully submitted,

Dated: June 1, 2021

LLG File #:20-064998

BY:/s/ Kristen D. Little  
Kristen D. Little, Esquire  
LOGS Legal Group LLP  
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King of Prussia, PA 19406  
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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2021, at the Eastern District of Pennsylvania, upon the consideration of the Motion of Movant for Relief from the Automatic Stay (the "Motion"), and the failure of Debtor to file an answer, appear or otherwise respond to the Motion, and for good cause shown, it is

ORDERED AND DECREED that the Automatic Stay of all proceedings, as provided under Section 362 of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the "Code"), 11 U.S.C. § 362, is lifted to allow Movant, or its successors, if any, to proceed with its rights under its loan documents for the property located at 302 Pennwood Drive, Richlandtown, PA 18955; and it is

FURTHER ORDERED that Rule 4001(a)(3) is not applicable and Movant, or its successors, if any, may immediately implement this order.

BY THE COURT:

\_\_\_\_\_  
HONORABLE ERIC L. FRANK  
UNITED STATES BANKRUPTCY JUDGE

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**CERTIFICATE OF SERVICE**

I, Leslie Thomas, an employee of the law firm of LOGS Legal Group LLP hereby certify that I caused to be served true and correct copies of the Motion and Notice of Motion, Response Deadline and Hearing Date by First Class Mail, postage prepaid or by electronic notification, at the respective last known address of each person set forth below on June 1, 2021:

Daniel E. Feldstein, 302 Pennwood Drive, Richlandtown, PA 18955

Linda A. Feldstein, 302 Pennwood Drive, Richlandtown, PA 18955

Brad J. Sadek, Esquire, Sadek and Cooper  
1315 Walnut Street, Suite 502, Philadelphia, PA 19107  
Sent via electronic notification brad@sadeklaw.com

William C. Miller, Trustee, P.O. Box 1229, Phila, PA 19105  
Sent via electronic notification ecfemails@ph13trustee.com

United States Trustee  
Sent via electronic notification ustpreion03.ph.ecf@usdoj.gov

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
AND CORRECT.

/s/ Leslie Thomas

Leslie Thomas  
LOGS Legal Group LLP  
3600 Horizon Drive, Suite 150  
King of Prussia, PA 19406  
(610) 278-6800

LLG File #:20-064998

Daniel E. Feldstein  
302 Pennwood Drive  
Richlandtown, PA 18955

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**NOTICE OF MOTION, RESPONSE DEADLINE AND HEARING DATE**

American Heritage Federal Credit Union has filed a Motion for Relief, with the Court for relief from the automatic stay.

1. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult an attorney.)

2. If you do not want the court to grant the relief sought in the Motion or if you want the court to consider your views on the Motion, then on or before June 18, 2021 you or your attorney file a response to the Motion.

(a) **If you are required to file documents electronically by Local Bankruptcy Rule 5005-1**, you must file your response electronically.

(b) **If you are not required to file electronically**, you must file your response at: United States Bankruptcy Court, Robert N.C. Nix, Sr. Federal Courthouse, 900 Market Street, Philadelphia, PA 19107.

(c) **If you mail your Response** to the bankruptcy clerk's office for filing, you must mail it early enough so that it will be received on or before the date stated above

(d) On the same day that you file or mail your Response to the Motion, you must mail or deliver a copy of the Response to the Movant's attorney:

Kristen D. Little, Esquire  
LOGS Legal Group LLP  
3600 Horizon Drive, Suite 150, King of Prussia, PA 19406  
Phone: (610) 278-6800  
Fax: (847) 954-4809

3. A hearing on the motion is scheduled to be held before the HONORABLE ERIC L. FRANK on June 22, 2021 at 9:30 am in Courtroom # 1, United States Bankruptcy Court, Robert N.C. Nix, Sr. Federal Courthouse, 900 Market Street, Philadelphia, PA 19107.

4. **If you do not file a response to the Motion**, the court may cancel the hearing and enter an Order granting the relief requested in the Motion.

5. If a copy of the motion is not enclosed, a copy of the motion will be provided to you if you request a copy from the attorney named in paragraph 1(b).

6. You may contact the Bankruptcy Clerk's office at (215) 408-2800 to find out whether the hearing has been canceled because no one filed a response.

Date: June 1, 2021